

MINUTES

TENNESSEE BOARD OF MEDICAL EXAMINERS

November 14 and 15 Minutes

The meeting was called to order at 8:55 a.m. at the Health Related Boards' Iris Room, 227 French Landing, Ground Floor, Heritage Place Metrocenter, Nashville, Tennessee 37243 by President Dr. Mitchell Mutter. Other members present were: Dr. Michael Baron, Dr. Neal Beckford, Dr. Dennis Higdon, Dr. Michael Zanolli, Dr. Keith Lovelady, Ms. Regine Webster, Ms. Nina Yeiser, and Ms. Pat Eller.

Staff present included: Rosemarie Otto, Executive Director, Larry Arnold, MD, Medical Director, LaTonya Shelton, Board Administrator, Marsha Arnold, Unit Manager and Andrea Huddleston, Deputy General Counsel.

Ratification of Licenses

New, reinstated, failed to renew and voluntary retired licenses for Medical Doctors, Medical X-Ray Operators, Radiologist Assistants, Genetic Counselors, Physician Assistants and Acupuncture Committee were reviewed. (See attached list). Dr. Higdon made a motion to approve the action on the licenses and Dr. Beckford seconded the motion. The motion passed.

The Board of Medical Examiners ratified and approved the actions taken by the Acupuncture Committee regarding reducing their renewal fees.

Consideration of Applications

Jonathan L. Becker, MDX- Mr. Becker is applying for a medical x-ray operator license to practice in Tennessee. Mr. Becker has a DUI and citation for contempt for failure to pay child support. Dr. Higdon made a motion to grant Mr. Beckett a license and Dr. Beckford seconded the motion. The motion passed.

Kenneth L. Beckett, MD- Dr. Beckett is applying for a license to practice medicine in Tennessee. Dr. Beckett's application indicates that he retired from clinical practice in April 2005 and he has not held an active medical license in the United States since his Florida license expired January 31, 2007. In addition Dr. Beckett's board certification in family medicine expired in 2011 and he has not submitted any documentation showing that he has completed any current continuing medical education. Since retiring from clinical practice Dr. Beckett has taken numerous medical mission trips to Africa. Dr. Higdon made a motion to table Dr. Beckett's application until a formal re-entry to practice policy is in place. Dr. Zanolli seconded the motion. The motion passed.

Jorge Benitez, Jr., MD, Dr. Benitez is applying for a license to practice medicine in Tennessee. He first appeared before the Board at its meeting in September 2011. Dr. Benitez was training at the University of Florida, where he was placed on academic probation with a remediation plan and was required to repeat the first year of his radiology residency commencing July 1, 2010. According to the program, Dr. Benitez did not meet the requirements of his probation and remediation plan and was dismissed from the Diagnostic Radiology Residency Program on April 19, 2011. After consideration of Dr. Benitez's application, the board voted to table his application until this meeting and asked that Dr. Benitez appear and provide documentation relative to his current status as a resident at Meharry. Dr. Benitez complied

with the board's request. Dr. Beckford made a motion to grant Dr. Benitez a license and Dr. Zanolli seconded the motion. The motion passed. Ms. Eller and Ms. Webster opposed.

Joshua Bledsoe, MDX- Mr. Bledsoe is applying for a license to practice as a medical x-ray operator in Tennessee. Mr. Bledsoe answered "no" to question 7 on his application when asked "have you ever been convicted of a felony or a misdemeanor other than a minor traffic violation". Documentation obtained during the application process indicated that Mr. Bledsoe was found guilty of reckless driving, possession of marijuana and violation of the state's implied consent law on February 10, 2004. Ms. Webster made a motion to withhold issuance of license until a corrected application was received. Dr. Zanolli seconded the motion. The motion passed.

Mary C. Carter, MD- Dr. Carter appeared before the Board seeking guidance on how she could demonstrate her clinical competency in order to have her medical license reinstated. Dr. Carter wants to practice pediatrics in Memphis. The Board voted to table Dr. Carter's application until a formal re-entry to practice policy is in place.

Dionne Dookhan, MD- Dr. Dookhan is applying for a license to practice medicine in Tennessee. Dr. Dookhan has voluntarily participated in monitoring programs in Pennsylvania in 1997 and Virginia in 2000. Dr. Dookhan applied for a North Carolina license and they accepted the monitoring reports from Virginia. When Dr. Dookhan applied for a medical license in West Virginia, she was evaluated by the West Virginia Professional Health Program and it was determined that she did not need further monitoring. Dr. Dookhan successfully completed each of her monitoring program contracts. Dr. Roland Gray from the Tennessee Medical Foundation spoke on behalf of Dr. Dookhan and stated that she completed her contract in the year of 2003 and is in compliance. Ms. Webster made a motion to grant Dr. Dookhan a license and Dr. Beckford seconded the motion. The motion passed.

Kenneth B. Ford, MD- Dr. Ford is applying for a license to practice medicine in Tennessee. Dr. Ford has not engaged in clinical practice since 2004. Dr. Ford plans to provide medical oversight through utilization reviews. After consideration of Dr. Ford's application, the Board decided to defer issuing him a restricted administrative license until after Dr. Ford speaks with his prospective employer regarding the restricted license. Once Dr. Ford and his prospective employer reach an agreement regarding his restricted license, the administrative office will in turn issue a restricted administrative license. Ms. Webster made a motion to grant Dr. Ford a restricted license only for administrative duties. Dr. Beckford seconded the motion. The motion passed.

Darin L. Hale, MD- Dr. Hale is applying for a license to practice medicine in Tennessee. Dr. Hale attended Medical University of the Americas in Nevis, West Indies. Dr. Hale is an international medical school graduate whose curriculum may not meet the requirements of the Board's rules. Dr. Hale is board certified in Emergency Medicine. Dr. Hale did not pass all three Steps of the USMLE on the first initial attempt and he took Step 1 twice, passing it on the second attempt. Dr. Beckford made a motion to grant Dr. Hale a license and Dr. Lovelady seconded. The motion passed.

Aaron Holland, MDX- Mr. Holland is applying for a license to practice as a medical x-ray operator in Tennessee. Mr. Holland was convicted of driving under the influence and possession of a schedule IV control substance in June. Dr. Lovelady made a motion to grant Mr. Holland a license contingent upon receipt in the administrative office of an evaluation from the Tennessee Medical Foundation Physician Health Program indicating Mr. Holland does not have a substance abuse issue and that he submit a corrected application. Dr. Higdon seconded the motion. The motion passed.

Fred Hosler II, MD- Dr. Holser is applying for an unrestricted administrative license as a medical doctor in Tennessee. Dr. Holser has not engaged in direct patient care for at least ten years. The Board voted to

table Dr. Holser's application until they have the ability to issue an administrative license without a disciplinary action appearing on the National Practitioner Databank. The Board previously promulgated rules that would have allowed them to issue an unrestricted administrative license, but they had to be withdrawn. The Board hopes to have a similar rule re-drafted and promulgated.

Corey Hulon MDX- Mr. Hulon is applying for a license to practice as a medical x-ray operator in Tennessee. Mr. Hulon was not present and the Board deferred action on the application until the next meeting.

Michael Jones, MD- Dr. Jones is applying for a license to practice medicine in Tennessee. Dr. Jones attended IUHS in the British West Indies. Dr. Jones is an international medical school graduate who completed his medical school training at an institution whose curriculum may not meet the requirements of the Board's rules. Dr. Jones is board certified in Family Medicine. Dr. Jones did not pass all three Steps of the USMLE on the first initial attempt and he took Step 1 three times, passing it on the third attempt. Dr. Jones has had two DUIs, one in 1987 and a second in 1997. On January 7, 2010, Dr. Jones agreed to pay a fine to the Kentucky Board of Medicine for failing to disclose required information regarding a break from medical school on his application for a medical license. After a brief discussion, Dr. Zanolli made a motion to grant Dr. Jones a license. Dr. Lovelady seconded the motion. The motion passed. Dr. Baron opposed.

Jolie M. Laramée, MDX- Ms. Laramée is applying for a license to practice as a medical x-ray operator in Tennessee. Ms. Laramée was not present and the Board deferred action on the application until the next meeting.

Julian Marsh, MDX- Ms. Marsh is applying for a license to practice as a medical x-ray operator in Tennessee. Ms. Marsh was not present and the Board deferred action on the application until the next meeting.

Audrea K. Merchant, MD- Dr. Merchant is applying for a license to practice medicine in Tennessee. Dr. Merchant indicated in her application that she is currently being treated for bipolar disorder. Dr. Beckford made a motion to grant Dr. Merchant an unrestricted license contingent upon receipt in the administrative office a five (5) year contract with the Tennessee Medical Foundation Physician Health Program. Dr. Baron seconded the motion. The motion passed unanimously.

Mary L. Sanders, MDX- Ms. Sanders is applying for a license to practice as a medical x-ray operator. Ms. Sanders answered "no" to question 7 on her application when asked "have you ever been convicted of a felony or a misdemeanor other than a minor traffic violation". Documentation obtained during the application process indicated that Ms. Sanders was found guilty in February of 2009 for prohibited sexual and/or pornographic conduct. Dr. Baron made a motion to withhold issuance of a license until a corrected application was received. Dr. Higdon seconded the motion. The motion passed.

Fabio J. Savorgnan, MD- Dr. Savorgnan is applying for a license to practice as a medical doctor in Tennessee. Dr. Savorgnan answered "no" to question 8 on his application which asks whether an applicant has "ever been convicted of a felony or a misdemeanor other than a minor traffic violation". Documentation obtained during the application process indicated that Dr. Savorgnan had a DUI in 2000 in the state of New York. Mrs. Webster made a motion to withhold issuance of license until a corrected application was received. Dr. Lovelady seconded the motion. The motion passed.

Eric J. Sigler, MD- Dr. Sigler is applying for a license to practice as a medical doctor in Tennessee. Dr. Sigler inappropriately disseminated content from the USMLE Step 1 examination that was administered to him on June 23, 2005. Dr. Sigler's conduct was considered to be irregular behavior which caused the

USMLE Committee to deny him access to other Steps for one full year. Dr. Sigler's conduct has to be reported each time he request that his USMLE test scores are forwarded to any third party, and a databank entry will have to be made by the Federation of State Medical Boards. Also, Dr. Sigler answered "no" to question 8 on his application when asked "have you ever been convicted of a felony or a misdemeanor other than a minor traffic violation". Documentation obtained during the application process indicated that Dr. Sigler was convicted of a DUI on December 21, 2010. Dr. Zanolli made a motion to withhold issuance of license until a corrected application was received. Dr. Lovelady seconded the motion. The motion passed.

Lynn T. Simon, MD- Dr. Simon is applying for an unrestricted administrative license as a medical doctor in Tennessee. Dr. Simon has indicated that she will not be practicing in a clinical setting and she desires an administrative license. The Board voted to table Dr. Simon's application until they have the ability to issue an administrative license without a disciplinary action appearing on the National Practitioner Databank. The Board previously promulgated rules that would have allowed them to issue an unrestricted administrative license, but they had to be withdrawn. The Board hopes to have a similar rule re-drafted and promulgated.

Angelica B. Vazquez, MD- Dr. Vazquez is applying for a license to practice as a medical doctor in Tennessee. Dr. Vazquez attended San Juan Bautista School of Medicine from August 2001 to November 2003 and she also attended St. Christopher College of Medicine in Senegal from January 2004 to September 2005. Dr. Vazquez is an international medical school graduate whose curriculum may not meet the requirements of the Board's rules. Dr. Vazquez is not board certified and did not pass all three Steps of the USMLE on the first initial attempt. Dr. Vazquez took Step 1 twice, passing it on the second attempt. Dr. Zanolli made a motion to grant Dr. Vazquez an unrestricted license and waiving the one point rule. Dr. Beckford seconded the motion. The motion passed.

Karen Weatherly-Ms. Weatherly is applying for a license to practice as a medical x-ray operator. Ms. Weatherly was not present for her interview that was originally schedule September 2011 meeting nor was she present at the November 2011 meeting. Dr. Zanolli made a motion to deny licensure and Dr. Beckford seconded the motion. The motion passed.

Bryan Welch, MDX- Mr. Welch is applying for a license to practice as a medical x-ray operator. Mr. Welch was not present and the Board deferred action on the application until the next meeting.

Dr. Mutter suggested that the Board relook at the administrative license application at the next meeting. Dr. Beckford also suggested that the Board should look at the loss of revenue when applications are turned away.

Discussion

Advisory Opinion: The Board revisited the question whether or not a Registered Polysomnography Technologist can perform morning Capillary Blood Gas test on Sleep Center patients. The Board declined to authorize Registered Polysomnography Technologist to practice this procedure, because this would be outside of their scope of practice. Assisting the Board in making this determination were Ms. Donna Lovitt from the Polysomnography Professional Standards Committee and Ms. Candace Partee from the Board for Respiratory Care. The motion to decline to expand the scope of practice for polysomnography technologists to include testing morning blood capillary blood gases was Dr. Beckford with a second by Dr. Lovelady. The motion passed.

Polysomnography Holding a Trainee Status-Time Limit Policy: The Board reviewed and adopted the Polysomnography Professional Standards Committee policy re: Holding a Trainee status time limit will reads as follows:

Pursuant to Tenn. Code Ann. Section, 63-31-107 (a) (2) of the Polysomnography Professional Standards Committee's Practice Act a candidate for licensure is permitted practice as a trainee while completing the coursework necessary to become fully licensed in the state of Tennessee. The status of trainee may be granted under the following conditions:

- The polysomnographic trainee shall give written notice to the Committee's administrative office of intent to provide sleep-related services under the direct supervision of a licensed polysomnographic technologist pursuant to Tenn. Code Ann. Section, 63-31-107 (a) (2) **at least thirty (30) days prior** to the provision of said services at:
- The trainee must include the following information in the written notice:
 - a. Full Name;
 - b. Date of Birth;
 - c. Any Professional Licenses, Certificates or Permits Held in Tennessee and/or Another Jurisdiction;
 - d. The Facility or Facilities where sleep-related services will be provided;
 - e. Name of the educational program or institution in which the trainee is enrolled and in which;
 - f. Name of trainee's direct supervisor (a licensed polysomnographic technologist);
 - g. Social Security Number;
 - h. Mailing and Physical Address;
 - i. Emergency Contact Number (person other than trainee);and
 - j. Home and Mobile Telephone Numbers;
- The trainee **must also be actively enrolled** in the A-STEP educational program. The A-STEP educational program must be completed within twelve (12) consecutive months of submission of the letter of notification to the Committee's administrative office. A three (3) month extension may be granted at the discretion of the Committee upon written application to its administrative office;
- The trainee must submit proof of completion of the **80 hour course** as well as **quarterly** proof of enrollment in the A-STEP educational program to the Committee's administrative office (see the address above). Proof shall be in the form of course certificates from the A-STEP educational program showing **at least four (4)** completed modules per quarter.
- The permit to practice as a trainee expires as a result of the failure to submit continued proof of active enrollment in an educational program for one quarter or at the expiration of twelve (12) months, whichever occurs first.

Dr. Beckford suggested that a letter should be sent to all directors of sleep labs. Dr. Zanolli made a motion to approve and accept this policy and Dr. Lovelady seconded the motion. The motion passed.

Pain Management Policy: The Board reviewed the October 7, 2011 letter from Randall Curnow, Jr., MD of Summit Medical Group regarding pain management policies and proposed guidelines for clinical and compliance documentation for adult patients with chronic non-malignant pain. The Board authorized

administrative staff to forward a letter to Dr. Curnow thanking him for his thoughtful work in this area but declined to take any further action.

House Bill 0977: On October 18, 2011 Dr. Arnold and Rosemarie Otto attended the summer study of HB0977 relative to outpatient cosmetic procedures. Ms. Otto reported to the Board about the general discussion at the summer study. Thereafter, Ms. Webster made a motion to authorize Dr. Zanolli to represent the Board on issues relative to outpatient elective cosmetic medical procedures/treatments being performed at Med Spas. Dr. Higdon seconded the motion. The motion passed.

Permanent Rules to Implement Public Chapter 340: Ms. Andrea Huddleston reported to the Board that there will be rule making hearing on December 1, 2011 to establish permanent rules to implement Public Chapter 340.

Hormone Replacement Therapy Task Force: Dr. Zanolli made a motion to authorize Dr. Lovelady to represent the Board on the Task Force formed pursuant to House Joint Resolution 104 studying hormone replacement therapy. Ms. Webster seconded the motion. The motion passed.

Reports

Statistical Report from Administrative Office

The total number of physicians with active licenses as of October 31, 2011 is 20,678.

Investigation Report

Ms. Denise Moran was present to discuss the report from the Office of Investigations. There are currently three hundred nineteen (319) open complaints in the Office of Investigations relative to medical doctors. Ms. Moran informed the Board that there were five (5) recently hired investigators in the Office of Investigations.

Disciplinary Report

Ms. Juanita Stone discussed the disciplinary report informing the Board there are currently two hundred sixty-five 265 medical doctors being monitored.

OGC Report

Ms. Huddleston gave a brief update on the status of the rules. Ms. Huddleston informed the Board that as of November 14, 2011, there were two hundred forty-one (241) disciplinary cases against one hundred fifty (150) respondents pending in the Office of General Counsel.

Ms. Huddleston informed the Board that there are nine (9) pending appeals from Board action, involving eight (8) physicians and one (1) pharmacist. The most recent action as of this writing is the remanding of the case of Harry Zain, M.D.

Rules

OGC is working on proposed amendments to the Seven Year Rule, the 1-point Rule and the International Medical School Graduates Rule. The Development Committee will meet in January 2012 to consider these issues.

Development Committee

The Board reviewed the activities of the administrative office through September 2011 where a total of one thousand seven hundred and ninety-seven (1797) applications were received and ultimately approved for licensure by the Board. It was determined that Dr. Arnold reviews approximately two hundred (200) applications each month. The Development Committee also had an opportunity to meet the Department's new Commissioner, Dr. John Dreyzehner.

November 15, 2011

Iris Room

Panel: Mutter, Webster, Yeiser, Baron, and Lovelady

Agreed Citations

Reuben W. Avila, MD-Dr. Avila failed to complete the required continuing medical education. Dr. Avila agreed to pay a civil penalty in the amount of four hundred dollars (\$400), complete ten (10) hours of continuing education within one hundred eighty (180) days of the citation and complete an additional ten (10) hours continuing education hours within two (2) years of approval of the Agreed Citation. Dr. Baron made a motion to approve the Agreed Citation and Ms. Webster seconded the motion. The motion passed.

Bert A. Hartman, MD-Dr. Hartman failed to complete the required continuing medical education. Dr. Hartman agreed to pay a civil penalty in the amount of one thousand ten dollars (\$1,010), complete ten (10) hours of continuing education within one hundred eighty (180) days of the citation and complete an additional ten (10) hours continuing education hours within two (2) years of approval of the Agreed Citation. Dr. Baron made a motion to approve the Agreed Citation and Ms. Webster seconded the motion. The motion passed.

Lindsay H. Messinger, MD-Dr. Messinger failed to complete the required continuing medical education. Dr. Messinger agreed to pay a civil penalty in the amount of one thousand two hundred dollars (\$1,200), complete ten (10) hours of continuing education within one hundred eighty (180) days of the citation and complete an additional ten (10) hours continuing education hours within two (2) years of approval of the Agreed Citation. Dr. Baron made a motion to approve the Agreed Citation and Ms. Webster seconded the motion. The motion passed.

Monica A. Pasley, MD-Dr. Pasley failed to complete the required continuing medical education. Dr. Pasley agreed to pay a civil penalty in the amount of one thousand four hundred eighty dollars (\$1,480), complete ten (10) hours of continuing education within one hundred eighty (180) days of the citation and complete an additional ten (10) hours continuing education hours within two (2) years of approval of the Agreed Citation. Dr. Baron made a motion to approve the Agreed Citation and Ms. Webster seconded the motion. The motion passed.

William C. Stanbery, II, MD-Dr. Stanbery failed to complete the required continuing medical education. Dr. Stanbery agreed to pay a civil penalty in the amount of four hundred thirty-four dollars (\$434), complete ten (10) hours of continuing education within one hundred eighty (180) days of the citation and complete an additional ten (10) hours continuing education hours within two (2) years of approval of the Agreed Citation. Dr. Baron made a motion to approve the Agreed Citation and Ms. Webster seconded the motion. The motion passed.

November 15, 2011

Iris Room

Panel: Mutter, Webster, Yeiser, Baron, and Lovelady

Consent Orders

George Booze, MD- was neither present nor represented by legal counsel. Ms. Kyonzte Hughes-Toombs represented the Department of Health. Dr. Booze received a medical degree from the University of Virginia in 1967. Dr. Booze also held a license in the State of Virginia in 1967 and in the State of Tennessee in 1973. Dr. Booze failed to adequately monitor patients for signs of abuse and compliance. There were six patients records reviewed and of the six records five of them were considered troublesome. Dr. Booze did not appropriately document the rationale for refills, ignored the warning signs of abusing opiates and prescribed controlled substances without documentation or explanation in the record. Dr. Booze is currently employed by the Veterans Administration as a hospitalist, and his prescribing of controlled substances are being monitored. Dr. Booze purpose of avoiding further administrative action, agrees with his, is hereby PROBATION effective the date of this Order, for a period of no less than three (3) years. Dr. Booze must petition for an Order of Compliance before the probation can be lifted. Dr. Booze must comply with the following Conditions of Probation:

1. Record keeping course: Respondent shall attend and complete a record keeping course at his own expense, and provide proof of attendance to the Board's Disciplinary Coordinator and Medical Director within thirty (30) days of completing the course. Respondent must have the course approved by the Board's medical consultant prior to taking the course.
2. Prescribing course: Respondent shall attend and complete a prescribing course related to prescribing for pediatric patients at his own expense, and provide proof of attendance to the Board's Disciplinary Coordinator and Medical Director within thirty (30) days of completing the course. Respondent must have the course approved by the Board's Medical Director prior to taking the course.
3. Monitoring Agreement: Respondent's employer shall submit quarterly reports to the Disciplinary Coordinator. Each report shall contain an evaluation of Respondent's job performance and prescribing of controlled substances. Should the Respondent leave his position with the VA, Respondent's new employer shall be required to submit the aforementioned quarterly reports. Should the Respondent leave his position with the VA to go back into private practice, Respondent shall secure an appropriate practice monitor (to be approved by the Board's Medical Director) who will be responsible for submitting the quarterly reports for the remainder of the Respondent's probationary period.
4. Good conduct: Respondent will maintain good and lawful conduct, and not violate any municipal ordinance or any law or rule of the State of Tennessee or any other state, or of the United States.

Dr. Booze must pay five (5) Type A civil penalties in the amount of one thousand dollars (\$1,000.00) each for a total assessment of five thousand (\$5, 000.00). Dr. Booze shall pay, pursuant to TENN. CODE ANN. § 63-6-214(k) and Rule 0880-2-.12(1)(j) of the Official Compilation Rules and Regulations of the State of Tennessee, the actual and reasonable costs of prosecuting this case to the extent allowed by law,

including all costs assessed by the Office of Investigations, Secretary of State, Administrative Procedures Division as well as the Office of General Counsel. These costs will be established by an Affidavit of Costs prepared and filed by counsel for the Department. The maximum amount for the assessment of costs shall be fifteen thousand dollars (\$15,000.00). Dr. Hayes understands that this is a formal disciplinary action and will be reported to the Health Integrity and Protection Data Bank (H.I.P.D.B.) and/or similar agency. Ms. Lovelady made a motion to accept this Consent Order and Ms. Yeiser seconded the motion. The motion passed unanimously.

Milford Huffnagle, MD- Dr. Huffnagle was neither present nor was his legal counsel Daniel Warlick. Andrea Huddleston represented the Department of Health. Dr. Huffnagle treated several patients between 2003 and 2005 using controlled substances and failed to include in his medical records sufficient information and/ or histories to allow a reviewing physician to understand or justify his treatment. Dr. Huffnagle agrees that his license is hereby REPRIMANDED. Dr. Huffnagle must enroll in and successfully complete within six (6) months of the effective date of this order, the two (2) day medical course entitled MR-17 Medical Records Course offered by Professional Boundaries, INC. located in Irvine, California or and equivalent course approved by the Board in advance in writing. Dr. Huffnagle must submit proof to the Board's Disciplinary Coordinator within thirty (30) days of completing this course. Dr. Huffnagle shall pay pursuant to TENN. CODE ANN. § 63-6-214(k) and Rule 0880-2-.12(1)(j) of the Official Compilation Rules and Regulations of the State of Tennessee, the actual and reasonable costs of prosecuting this case to the extent allowed by law, including all costs assessed against the Board by the Division's Bureau of Investigations in connection with the prosecution of this matter. These costs will be established by an Affidavit of Costs prepared and filed by counsel for the Department. The maximum amount for the assessment of costs shall be five thousand dollars (\$5,000.00). Dr. Huffnagle understands that this is a formal disciplinary action and will be reported to the Health Integrity and Protection Data Bank (H.I.P.D.B.) and/or similar agency. Ms. Lovelady made a motion to accept this Consent Order and Ms. Yeiser seconded the motion. The motion passed unanimously.

Dan Joachim, MD- Dr. Joachim was neither present nor represented by legal counsel. Ms. Jennifer Putnam represented the Department of Health. Dr. Joachim on or about December 6, 2010, license was suspended by an Interim Consent Order by the Louisiana State Board of Medical Examiners. On or about August 12, 2010, Dr. Joachim was indicted by a federal grand jury sitting in the United States District Court for the Eastern District of Louisiana, with one felony count each for receiving and possessing sexually explicit visual depictions of child pornography in violation of Title 18, United States code, Section 2252(a)(2) and 2252(a)(4)(B). Dr. Joachim purpose of avoiding further administrative action, agrees with his, is hereby SUSPENDED. Dr. Joachim shall pay one (1) Type C civil penalty in the amount of one-hundred dollars (\$100.00), representing one penalty for one out-of-state disciplinary action against Respondent's license in violation of the Tennessee Medical Practice Act. Dr. Joachim must pay, pursuant to TENN. CODE ANN. § 63-6-214(k) and Rule 0880-2-.12(1)(j) of the Official Compilation Rules and Regulations of the State of Tennessee, the actual and reasonable costs of prosecuting this case to the extent allowed by law, including all costs assessed against the Board by the Division's Bureau of Investigations in connection with the prosecution of this matter. These costs will be established by an Affidavit of Costs prepared and filed by counsel for the Department. The maximum amount for the assessment of costs shall be two thousand dollars (\$2,000.00). Dr. Joachim understands that this is a formal disciplinary action and will be reported to the Health Integrity and Protection Data Bank (H.I.P.D.B.) and/or similar agency. Ms. Webster made a motion to accept the consent order as written. Dr. Baron seconded the motion. The motion passed.

Raphael Lanade, MD- was neither present nor represented by legal counsel. Ms. Kyonzte Hughes-Toombs represented the Department of Health. Dr. Lanade had twenty-four (24) of his patients charts randomly reviewed on or around November 19, 2008 by the State's expert. Dr. Lanade had deficiencies on eight (8) of the charts in which he failed to appropriately document his treatment of the patients

involved. Dr. Lanade failed to document (1) any follow up after referring patients to a pain management clinic; (2) what if any, action was taken after administering drug screens in which patients tested negative for drugs he had prescribed and (3) sufficient notes to show a justifiable reason for the types and amounts of narcotics prescribed. Dr. Lanade agrees that his license is hereby **REPRIMANDED**. Dr. Lanade shall take a record keeping course and the course shall be approved by the Board's medical director prior to the being taken. Dr. Lanade must complete this course with in one year of the effective date of this order and submit proof to the Board's Disciplinary Coordinator. Dr. Lanade shall pay pursuant to TENN. CODE ANN. § 63-6-214(k) and Rule 0880-2-.12(1)(j) of the Official Compilation Rules and Regulations of the State of Tennessee, the actual and reasonable costs of prosecuting this case to the extent allowed by law, including all costs assessed against the Board by the Division's Bureau of Investigations in connection with the prosecution of this matter. These costs will be established by an Affidavit of Costs prepared and filed by counsel for the Department. The maximum amount for the assessment of costs shall be two thousand dollars (\$2,000.00). Dr. Lanade understands that this is a formal disciplinary action and will be reported to the Health Integrity and Protection Data Bank (H.I.P.D.B.) and/or similar agency. Ms. Yeiser made a motion to accept the consent order as written. Dr. Lovelady seconded the motion. The motion passed.

Maryanne Moore, MD- Dr. Moore was neither present nor represented by legal counsel. Ms. Jennifer Putnam represented the Department of Health. Dr. Moore was disciplined by the State of Maine Board of Licensure in Medicine for unprofessional conduct and habitual substance abuse. Dr. Moore is subject to disciplinary action under TENN. CODE ANN. § 63-6-214 *et seq.* and TENN. COMP. R & REGS., 0880-2-.12, *et seq.* Dr. Moore, purpose of avoiding further administrative action agrees that his license is hereby, **VOLUNTARILY SURRENDERED** effective the date of entry of this Consent Order. Dr. Moore shall pay, pursuant to TENN. CODE ANN. § 63-6-214(k) and Rule 0880-2-.12(1)(j) of the *Official Compilation Rules and Regulations of the State of Tennessee*, the actual and reasonable costs of prosecuting this case to the extent allowed by law, including all costs assessed by the Office of Investigations, Secretary of State, Administrative Procedures Division as well as the Office of General Counsel. These costs will be established by an Assessment of Costs prepared and filed by counsel for the Department. The maximum amount for the assessment of costs shall be one thousand dollars (\$1,000.00). Any and all costs shall be paid in full within thirty (30) days from the issuance of the Affidavit of Costs. Dr. Moore understands that this is a formal disciplinary action and will be reported to the Health Integrity and Protection Data Bank (H.I.P.D.B.) and/or similar agency. Dr. Lovelady made a motion to accept the consent order as written and Ms. Yeiser seconded. This motion passed unanimously.

Carlos Saguerio, MD-Dr. Saguerio was neither present nor represented by legal counsel. Ms. Jennifer Putnam represented the Department of Health. Dr. Saguerio was reprimanded by the Missouri State Board of Registration for the Healing Arts for failure to provide a change of address notification within thirty (30) days of moving practice locations. Dr. Saguerio is subject to disciplinary action under TENN. CODE ANN. § 63-6-214 *et seq.* and TENN. COMP. R & REGS., 0880-2-.12, *et seq.* Dr. Saguerio, purpose of avoiding further administrative action agrees that his license, is hereby **REPRIMANDEND** effective the date of entry of this Consent Order. Dr. Saguerio shall pay, pursuant to TENN. CODE ANN. § 63-6-214(k) and Rule 0880-2-.12(1)(j) of the *Official Compilation Rules and Regulations of the State of Tennessee*, the actual and reasonable costs of prosecuting this case to the extent allowed by law, including all costs assessed by the Office of Investigations, Secretary of State, Administrative Procedures Division as well as the Office of General Counsel. These costs will be established by an Affidavit of Costs prepared and filed by counsel for the Department. The maximum amount for the assessment of costs shall be one thousand dollars (\$1,000.00). Any and all costs shall be paid in full within thirty (30) days from the issuance of the Affidavit of Costs. Dr. Saguerio understands that this is a formal disciplinary action and will be reported to the Health Integrity and Protection Data Bank (H.I.P.D.B.) and/or similar agency. Ms. Webster made a motion to accept the consent order as written and Ms. Yeiser seconded. This motion passed unanimously.

Orders of Compliance

Mark Wade, MD- Dr. Wade was present but not represented by legal counsel. Ms. Jennifer Putnam represented the Department of Health. Dr. Wade was placed on probation September 26, 2006. Dr. Wade has complied with all terms of the previous consent order and has completed a VCAP evaluation and complied with all recommendations resulting from the evaluation. Dr. Wade also completed the Vanderbilt Prescribing Course and forty (40) hours of continuing education every calendar year for the duration of his probation in addition to the hours required by law to be obtained every year. Dr. Wade has also executed and complied with all terms of his monitoring contract with the Tennessee Medical Foundation. Ms. Putman stated that Dr. Wade has met all requirements of the Consent Order. Ms. Yeiser made a motion to accept the order of compliance with the addition that Dr. Wade can apply for a DEA number. Ms. Webster seconded the motion. The motion passed.

Steve Ritchie, MD- Dr. Ritchie was neither present nor represented by legal counsel. Ms. Jennifer Putnam represented the Department of Health. Dr. Ritchie license was placed on probation July 23, 2008 and required him to complete an educational intervention recommended by the Center for Personalized Education for Physicians (CPEP) provided through Affiliated Monitors, Inc. Dr. Ritchie also had to attend the Patient Care Documentation Seminar offered by CPEP within twelve (12) months of the effective date of the Agreed Order. Dr. Ritchie is permanently ceased from practice that may be considered cosmetic or plastic surgery. Ms. Putman stated that Dr. Ritchie has met all requirements of the Consent Order. Ms. Webster made a motion to approve the Order of Compliance and Dr. Baron seconded the motion. The motion passed.

Adjourn at 4:25 pm

November 16, 2011
Mockingbird Room

Panel: Mutter, Lovelady, and Webster

Consent Orders

Otis Anderson MD- Dr. Anderson was not present nor represented by legal counsel. Brian Sims represented the Department of Health. Dr. Anderson has never been issued a license to practice medicine or any other profession of the healing arts in the State of Tennessee. From in or about November 2010, through in or about March 2011, Mr. Anderson attempted to provide medical evaluations and psychiatric evaluations to at least twenty one (21) patients at the Case Management, Inc. in Memphis, Tennessee. Mr. Anderson has violated TENN. CODE ANN. 63-6-101 and TENN. COMP. R. & Regs for which disciplinary action before and by the Board is authorized. Mr. Anderson understands and admits the allegations, charges, and stipulations in this order. He has agreed to the following terms to avoid further administrative action. He must IMMEDIATELY CEASE and DESIST from practicing all aspects of medicine. Mr. Anderson is assessed twenty-one (21) Type "A" Civil Penalties in the amount of one thousand dollars (\$1,000.00) each. By signing this stipulation, Mr. Anderson understands and agrees that he may not withdraw his agreement or seek to rescind the stipulation prior to the time the Board considers and acts upon it. A violation of the Order shall constitute a separate violation of the Medical Practice Act, TENN.CODE ANN 63-6-214(b)(2), and is grounds for further disciplinary action by the Board. Dr.

Zanolli made a motion to approve the consent order with an amendment to strike paragraph # 12, which states that the "Respondent agrees that his medical license is subject to discipline and he agrees to be bound by the Board's terms as set forth in this Order. Ms. Eller seconded the motion with the amendment. The motion carried.

Gary Barnes MD- Dr. Barnes was not present nor represented by legal counsel. Brian Sims represented the Department of Health. Dr. Barnes entered into a consent order on January 27, 2010 placing his license on probation for a period of not less than five (5) years. Dr. Barnes admits on eight separate occasions between June 2008 and February 2009, he used the personal and health insurance information to fraudulently obtain prescriptions for his personal use. Dr. Barnes prescribed controlled substance between May 2008 and July 2009 without establishing physician-patient relationship, performing a physical exam or maintaining a medical record. Dr. Barnes 2010 order required him to enroll in and complete the Cast Western Reserve University School of Medicine Intensive Courses in Controlled Substance Management and Medical Record Keeping by July 26, 2010. Dr. Barnes did not fulfill this part of the current order. Dr. Barnes is subject to disciplinary action under TENN. CODE ANN. § 63-6-214 (b)(2)*et seq.* Dr. Barnes agrees that his license will be placed on PROBATION for a period of five (5) years in addition to the five (5) years' probation of his previous order on January 27, 2010. Dr. Barnes shall pay, pursuant to TENN. CODE ANN. § 63-6-214(k) and Rule 0880-2-.12(1)(j) of the *Official Compilation Rules and Regulations of the State of Tennessee*, the actual and reasonable costs of prosecuting this case to the extent allowed by law, including all costs assessed by the Office of Investigations, Secretary of State, Administrative Procedures Division as well as the Office of General Counsel. These costs will be established by an Affidavit of Costs prepared and filed by counsel for the Department. The maximum amount for the assessment of costs shall be one thousand dollars (\$1,000.00). Any and all costs shall be paid in full within thirty (30) days from the issuance of the Affidavit of Costs. Dr. Barnes understands that this is a formal disciplinary action and will be reported to the Health Integrity and Protection Data Bank (H.I.P.D.B.) and/or similar agency. This order entered in November 8, 2011 shall supersede any and all prior or contemporaneous agreements, understandings, discussions, regulations, and commitments written or oral. Dr. Higdon made a motion to accept the consent order has written and Dr. Beckford seconded. The motion passed. Ms. Eller recused herself.

Lee M.CarterMD- Dr. Carter was not present nor represented by legal counsel. Anthony Czerniak represented the Department of Health. Dr. Carter admitted that from 1995 through 2007 he failed to properly document clinical indications that would substantiate continued use of controlled substances in relation to four (4) patients. Dr. Carter admitted that from 2004 through 2007 failed to substantiate continued use of controlled substances in relation to one (1) patient. Dr. Carter agreed to a REPRIMAND on his license. In addition Dr. Carters has agreed to following: (1) within 90 days, enter into a contract with a monitoring entity for three years (2) within six months completion of medical record keeping and controlled substance courses (3) must pay 5 Type A civil penalties in the amount of \$1,000.00 dollars each representing the years of treatment of each of the five patients and (4) costs shall not exceed \$7,500.00. Dr. Higdon made a motion to accept the consent order has written and Dr. Beckford seconded. The motion passed.

November 16, 2011

Iris Room

Panel: Higdon, Zanolli and Eller

Contested Case Hearing

Charles Anderson, MD-Dr. Anderson was present and represented by attorney, Mark Freeman. Ms. Andrea Huddleston represented the Tennessee Department of Health. Tom Stovall, Administrative Law Judge presided. The state continued with its case in chief and the matter will continue from meeting to meeting until completed.

Adjourned at 3:41 p.m.

These minutes were ratified by the Board on January 11, 2012.